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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,136		03/24/2004	Yutaka Tanaka	740819-1053	2750
22204	7590	05/16/2006		EXAMINER	
NIXON P		•		DEVOTI,	PAUL D
401 9TH ST SUITE 900	,	w	ART UNIT	PAPER NUMBER	
WASHING	TON, DO	20004-2128	3637		
				DATE MAIL ED: 05/16/2004	e

Please find below and/or attached an Office communication concerning this application or proceeding.

	<del></del>		Application No.	Applicant(s)				
Paul Devoit    Paul Devoit   P			10/807,136	TANAKA ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extentions of them may be available under the provision of 30° CRT 118(0), no event, mover, may are ply be timely find  if NO pend for reply is appecified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the maling date of this communication.  Fallure for require specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the maling date of this communication.  Fallure for require specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the maling date of this communication, even if timely filed, may reduce any secure opposition to be communication.  Fallure for previous the specified above, the maximum statutory period via apply and will expire SIX (6) MONTHS from the maling date of this communication, even if timely filed, may reduce any event general produces and event general produces any event general produces any event general produces and e		Office Action Summary	Examiner	Art Unit				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Editations of them may be available under the provisions of 37 ERT 1.15(a). In revert, however, may a reply be timely field after SX (b) MONTHS from the mailing date of this communication.  Failube to reply within the act or extended prinds for revery will, by stable, cause the application become ABAMDOFD 31.9 S.C. § 133.  Any reply received by the Office later than three months after the mailing date of this communication, even if simely field, may reduce any earned patter than elevation (s) FinAL.  1) Responsive to communication(s) filed on			pears on the cover sheet with th	e correspondence address				
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2a)  This action is FINAL. 2b)  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1-6 is/are pending in the application. 4a) Of the above claim(s)  is/are withdrawn from consideration.  5   Claim(s)  is/are allowed. 6   Claim(s)  is/are rejected. 7   Claim(s)  is/are rejected to. 8   Claim(s)  is/are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner. 10   The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11   The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c)  None of:	Status							
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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - 1. Claims 1-2, drawn to a frame, classified in class 52, subclass 730.6.
  - II. Claims 3-6, drawn to a method of fabricating a frame, classified in class29, subclass 897.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions of Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the frame could be made by another process such as a different type of welding, or without a surface treatment or finish coating.
- 3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Devoti whose telephone number is 571-272-2733. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PD PD 05/11/06

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